

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**GERALD DEMARSH, SR.**

**V.**

**LEE GABRIEL, et al.**

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**CIVIL ACTION NO. 6:08-CV-40**

**ORDER ADOPTING REPORT AND  
RECOMMENDATION OF MAGISTRATE JUDGE**

The above entitled and numbered civil action was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. The Report and Recommendation of the Magistrate Judge has been presented for consideration. (Doc. No. 50.) Plaintiff Gerald DeMarsh filed an objection (Doc. No. 53) to the Report and Recommendation. Having carefully considered the objections raised by Plaintiff, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct.

Therefore, the Court hereby adopts the Report and Recommendation of the United States Magistrate Judge as the findings of this Court, and **ORDERS** that Defendants Bruce Isaacks' motion to dismiss (Doc. No. 44) be **GRANTED**.

**SIGNED this 30th day of October, 2008.**

  
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MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE